

Reference Number: 406-04-DD
Title of Document: Reference Checks

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Applicability: DDSN Residential Centers, DSN Boards and Contracted Service Providers

The language used in this policy does not create an employment contract between the employee and the Department of Disabilities and Special Needs (SCDDSN). SCDDSN reserves the right to revise the contents of this policy, in whole or in part.

POLICY

Reference checks, to include a criminal records check and a CMS “List of Excluded Individuals/Entities” check, are required for all prospective employees who work with consumers of DDSN Residential Centers, DSN Boards and Contracted Service Providers. This includes members of the household of a Community Training Home I employee who are over 18 years of age. Volunteers and interns who act in the place of regular staff must also undergo the same checks.

In accordance with DDSN’s policy 534-02-DD, no person is eligible for employment with DDSN or a contract provider agency if he/she has a prior employment history or conviction of child or consumer abuse, neglect or exploitation, or other crimes listed in DDSN Residential Standards CTH 6.0 and 6.6, and SL 4.0.

PROCEDURES

All reference checks must be in writing, completed and dated within 90 days of application of employment, prior to an offer of employment being made. In instances where prospective employees indicated that the present employer is not to be contacted, any employment offer will be made contingent upon receipt of a written satisfactory reference.

A criminal background check will be requested from SLED for all prospective employees, and employment will be contingent upon receipt of a satisfactory criminal background check. When the prospective employee will be expected to work as a caregiver with children, a criminal background check must also include a search of the Department of Social Services Child Abuse and Neglect Central Registry and the FBI. These checks must be made by the South Carolina Department of Social Services. Support providers of residential habilitation must meet provisions of Residential Certification Standards CTH 6.0, 6.6, and SL 4.0.

A search of the Centers for Medicare & Medicaid Services (CMS) List of Excluded Individuals/Entities (LEIE) will be conducted of all prospective employees. Bases for exclusion include convictions for program-related fraud and patient abuse, licensing board actions, and default on Health Education Assistance Loans. The national search should be conducted (at no cost) via this website: http://www.oig.hhs.gov/fraud/exclusions/exclusions_list.asp.

As provided for in S.C. Code Ann. §41-1-65 (Supp. 2008), upon written request by a prospective employer the following information may be released on a former employee:

- Written employee evaluations;
- Official personnel notices that formally record the reasons for separation;
- Whether the employee was voluntarily or involuntarily released from service and the reason for the separation; and
- Information about job performance.

Unless otherwise provided by law, an employer who responds in writing to a written request concerning a current or former employee, from a prospective employer of that employee, shall be immune from civil liability for disclosure of the above information to which an employee or former employee may have access. This protection and immunity shall not apply where an employer knowingly or recklessly releases or discloses false information.

All DDSN regional centers and service providers will use the attached service letter form as the written request for prior employment information for employees who are current or former employees of SCDDSN or a DDSN service provider.

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Administration
(Originator)

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State Director

(Approved)

ATTACHMENT: Service Letter Form

(Please see the agency website under “Attachments to Directives” under this directive number for the attachment.)

REFERENCES:

- S.C. Code Ann. §41-1-65 (Supp. 2008)
- 534-02-DD Procedures for Preventing and Reporting Abuse, Neglect and Exploitation
- DDSN Residential Standards CTH 6.0, 6.6, and SL 4.0.
- US Department of Health and Human Services, Office of Inspector General’s website:
<http://www.oig.hhs.gov/fraud/exclusions.asp>